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APPLICATION NO.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/202,111	Steven J. Robinson	4061/00108-1	8767

7590

01/04/2006

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EXAMINER

GREENE, PAULA ALLEN

ART UNIT

PAPER NUMBER

2912

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RESPONSE DUE 4-4-06
DOCKETED DATE 1-9-06
BY 982

Office Action Summary

Application No.

29/202,111

Applicant(s)

ROBINSON, STEVEN J.

Examiner

Paula A. Greene

Art Unit

2912

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 35 U.S.C. 103(a) is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Environmental structure may be illustrated by broken lines in the drawing if clearly designated as environment in the specification. See 37 CFR 1.152 and MPEP § 1503.02, subsection III.

The following statement must be used to describe the broken lines on the drawing (MPEP § 1503.02, subsection III):

-- The broken lines in Figs. 1-8 are for illustrative purposes only and forms no part of the claimed design. --

The above statement should be inserted in the specification preceding the claim.

The claim is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Jr. United States Patent 1814760 as cited by applicant (Miller) .

The overall ornamental appearance of the shirt collar is substantially disclosed by Miller except for the exact configuration of the fastening means.

Although the invention is not identically disclosed or described as set forth in 35 U.S.C. 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains, the invention is not patentable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the well known configuration of the fastening means to Miller in order to obtain essentially the herein disclosed and claimed design.

It is well settled that it is distinctiveness in the overall appearance of the claimed design, when compared with the prior art, rather than minute details or small variations in design as appears to be the case here, that constitutes the test of design patentability. In re Frick, 125 USPQ 191 (CCPA 1960) and In re Lapworth, 172 USPQ 129 (CCPA 1971).

The non applied references are cited merely as cumulative to further show state of prior art. The claim stands rejected under 35 U.S.C. 103(a) for the reasons given.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula A. Greene whose telephone number is 571-272-2623. The examiner can normally be reached on M-Th from 5:30 to 2:00. Designated telephone hours are 10:30 to 12:30 M-Th EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stella Reid. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula A. Greenel *PAG*
Primary Examiner
Art Unit 2912

Notice of References CitedApplication/Control No.
29/202,111Examiner
Paula A. GreeneApplicant(s)/Patent Under
Reexamination
ROBINSON, STEVEN J.Art Unit
2942

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,585,689	02-1952	SCHAFER JOHN V	2/127
*	B	US-2,518,424	08-1950	JOSEPHINE KAAS	2/158
*	C	US-1,982,527	11-1934	LEONARD MANEKIN	2/116
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.